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The Keystone Center

Memorandum

To: Dialogue Participants, Alternates, and Staff

From: Keystone Center Staff: Kristi Parker, Todd Barker, and Janesse Brewer

Subject: Dialogue Meeting Summary for November 1-3, 2000

Date: June 28, 2004

Meeting Summary Structure

This meeting summary includes key issues, conclusions, and agreed-upon next steps for the Dialogue and ACWA Program. This summary is comprised of:

- Action items; and
- An overview of topics addressed in the presentations.

For ease of reading, the meeting summary is organized by topic and is not necessarily chronological.

Presentation Slides

Slides from the presentations are available by calling Horne Engineering at 1-888-482 4312. Please reference the presentation.

Action Items from the ACWA Dialogue Meeting

Action Item: Share with interested Dialogue Members ACWA assumptions for Kentucky and Colorado's schedule for destroying their stockpiles using alternative technologies, briefed at the Dialogue meeting. *Responsible Entity:* Bill Pehlivanian to supply to Dialogue participants as soon as possible, via the Dialogue Web Site.

Action Item: U.S. Soldier and Biological Chemical Command (SBCCOM) will further investigate Teledyne Commodore incident and report back to the Dialogue any findings. *Responsible Entity:* Mike Parker's office to provide to the Dialogue as soon as available, via the Dialogue Web Site.

Action Item: Provide a breakdown on cost growths for Demonstration I and Demonstration II. *Responsible Entities:* Joe Novad to provide to the Dialogue as soon as possible, via the Dialogue Web Site.

Action Item: The Colorado Environmental Working Integrated Product Team (WIPT) will try to hold two out of three meetings in Colorado, distribute the Colorado WIPT public involvement plan in draft to allow for public comment prior to finalization, and share the public involvement plan with the Kentucky Citizens Advisory Commissions (CAC). *Responsible Entity:* Jon Ware of ACWA will share this information with the Kentucky Environmental WIPT.

Action Item: Mike Parker to follow-up on Defense Acquisition Executive (DAE) Review input to the Integrating Integrated Product Team (IIPT) and Overarching Integrated Product Team (OIPT). *Responsible Entity:* Mike Parker and ACWA to report out on how recommendations put forth were responded to at the IIPT and OIPT level.
Timeline: As soon as available, via the Dialogue update.

In addition, below are recommendations from some Dialogue participants regarding the DAE process specifically and Mike Parker's response to those requests:

DAE Technology Decision for Colorado and Kentucky

Recommendation #1: Public meetings/briefings regarding DAE decision-making process.

Status: Briefed Pueblo CAC 10/12/00

Next Steps:

Parker will recommend to IIPT that similar briefing occur for Kentucky CAC, if requested.

Parker will recommend to IIPT that periodic briefings happen in Kentucky and Colorado regarding DAE process. Briefers will report input back to IIPT. Not likely to have IIPT or OIPT meetings near sites.

DAE Technology Decision for Colorado and Kentucky

Recommendation #2:

Same criteria applied to baseline/modified baseline as required for alternative technology.

Next Steps:

Parker will recommend to IIPT and report status back to Dialogue. Once Department of Defense (DoD) decides whether comparison for certification is in regard to baseline or modified baseline, this decision will be reported back to Dialogue.

DAE Technology Decision for Colorado and Kentucky

Recommendation #3:

Make criteria, assumptions, reports, and documents related to the DAE available to the public.

Next Steps:

Parker will recommend to OIPT the release of all documentation sans procurement sensitive material.

DAE Technology Decision for Colorado and Kentucky

Recommendation #4: Stakeholders (Dialogue/Citizens Advisory Technical Team[CATT]/CAC) involved throughout DAE process.

Status:

Environmental WIPT co-chair welcomes input. Wakefield will continue to encourage other WIPT co-chairs to solicit input.

Environmental Impact Statement (EIS) input process.

National Research Council (NRC)/Kentucky and Colorado members brief IIPT and OIPT.

Next Steps:

Parker will recommend to OIPT that input occur at discreet opportunities in WIPT, IIPT, and OIPT.

DAE Technology Decision for Colorado and Kentucky

Recommendation #5:

Incorporate Demonstration II data and Kentucky EIS into DAE decision-making process.

Status:

DAE process is iterative and will accommodate new information as needed.

DAE Review Process

Recommendation #6:

DAE should consider addressing issues broader than those outlined in the DAE memorandum from Gansler.

Next Steps:

No action planned by Mr. Parker's office.

DAE Review Process

Recommendation #7:

Stakeholders from sites beyond Kentucky and Colorado should be invited to provide input, as appropriate.

Next Steps:

No action planned by Mr. Parker's office.

General Chemical Demilitarization Public Involvement

Recommendation #8: Establish Chemical Weapons Demilitarization Dialogue to address broader issues.

Next Steps:

No action planned by Mr. Parker's office.

Opening Comments

Comments by John Klomp, Chair of the Pueblo Citizens Advisory Commission and County Commissioner

Mr. Klomp welcomed the Dialogue to Pueblo. He thanked Michael Parker, Bill Pehlivanian and Patrick Wakefield for being responsive to the Pueblo community and the community's questions. Mr. Klomp noted that he would welcome recommendations from the Dialogue back to the community. Mr. Klomp stated that a year ago, the Colorado CAC voted to use the Parsons technology at Pueblo and that he was glad that they were in attendance at the Dialogue meeting, as well as others. Mr. Klomp noted that Puebloans are most interested in disposing of the stockpile as soon as possible.

Comments by Michael Parker, Program Manager, ACWA Program

Mr. Parker welcomed the Dialogue. He highlighted that Demonstration II activities are coming to a close and that they are now entering the evaluation phase as required in Public Law 104-261. In addition to fulfilling the requirements of that law, the ACWA Program is also looking to meet the mandate of 105-261. As these activities proceed, Mr. Parker noted that the ACWA Program would be part of a DAE Review, which is looking comprehensively at the Chemical Demilitarization Program. Mr. Parker noted that simultaneously, the National Environmental Policy Act (NEPA) process is underway to

determine whether an ACWA technology(ies) should be piloted, and if so, at what location(s). Finally, Mr. Parker urged the Dialogue to think effectively about its future given the ACWA requirements are coming to a close.

Overview Presentation of ACWA Program

Bill Pehlivanian, Deputy Program Manager

Questions following Mr. Pehlivanian's presentation focused on the following issues¹:

Clarification regarding August 2001. Mr. Pehlivanian clarified for a Dialogue participant that the August 2001 date for a Record of Decision (ROD) and technology decision was only for Colorado and that Kentucky's selection would occur later.

Question regarding the assumptions that went into the calendar showing upcoming milestone dates. A Dialogue participant asked what assumptions were used to build the calendar for key milestone dates in the destruction of Colorado and Kentucky's stockpiles. The participant noted that there should be a strong emphasis on getting things moving, and that the communities will want to see DoD achieving these milestones instead of increased delays. Pehlivanian noted that the schedule was still in draft and that until it was finalized, the milestones might still shift some. However, Pehlivanian committed to getting the Dialogue participant the assumptions that make up the current schedule.

Question regarding ACWA funding for '00 and '01. Pehlivanian stated that for '00, the ACWA Program was not over-budget, however staff are still negotiating cost growths. For '01, staff cannot project costs until the program has a better understanding which of the technologies are likely to go forward to Engineering Design Studies (EDS) II. Mike Parker stated that if the technologies merited additional funds within reason, he thought it would be possible to secure these funds.

Question regarding the ACWA Program's future site-specific mission. Pehlivanian clarified that while the original legislation was inclusive of any sites containing assembled chemical weapons, that once a technology has been selected, the public involvement process naturally will become more site-specific. A Dialogue participant raised that it is still necessary for sites to share lessons learned as they enter implementation phases. Mike Parker stated that while the ACWA Dialogue and the ACWA Program have been highly successful, its original mission is coming to an end. Mike Parker stated that he strongly believes that when these technologies get to the application stage, that the public involvement activities must necessarily become site-specific. Another Dialogue participant stated that he strongly believes that more emphasis on the local level is a good thing, however, he would hate to lose the wisdom that is developed in a national group like this. He believes that a conversion to the local level may entail losing a national expertise. Another Dialogue participant stated that he was sensitive to the fact that ACWA's purview is discreet. He went on to say that he

¹ As noted above, all presentations are available by calling Horne Engineering at 1-888-482-4312.

understands that once communities are on a track of disposal, ACWA cannot bring the Dialogue together in the same way.

National Research Council (NRC) Committee Update Presentation

Robert Beaudet, NRC Committee Chair

Questions and comments regarding Dr. Beaudet's presentation focused on the following:

Question regarding Teledyne Commodore. Dr. Beaudet stated that the NRC report on Demonstration II would briefly cover Teledyne Commodore, but given that the tests were incomplete, the NRC committee would not address Teledyne Commodore in great detail.

Question regarding data availability at the time of the NRC report writing. Dr. Beaudet stated that once again, the NRC committee would not have data when writing their conclusions for the report on Demonstration II and EDS. When asked about the potential for writing a follow-up letter report once data was made available, Dr. Beaudet stated that this is a possibility.

Schedule concerns. Dialogue participants noted the importance of the July 15, 2000 date, by which the NRC is to issue their EDS Report. Many felt this Report is critical to feed into the Congressional process. Pat Wakefield, Director, Treaties and Chemical Demilitarization, echoed support for the NRC keeping to the rigorous schedule as information from the NRC report will also be fed into the DAE process.

Clarification regarding Teledyne Commodore. Dr. Beaudet clarified that Teledyne Commodore failed and that it was unclear whether failure was due to the technology per se or due to other factors such as schedule and planning.

Citizens Advisory Technical Team (CATT). The CATT stated their appreciation for being involved in almost all of the NRC Committee meetings that are open and asked that Dr. Beaudet continue to keep them aware of upcoming meetings.

Demonstration II and Input/Output Overview

Jim Richmond, ACWA Technical Team

Questions and comments regarding Jim Richmond's presentation focused on the following:

Comments from the Citizens Advisory Technical Team. The CATT outlined that they have carefully monitored the Demonstration II effort thus far, and that they felt that the demonstrations had been successful and were supportive of ACWA's efforts to date.

Question regarding the Teledyne Commodore fire. A Dialogue participant asked that additional investigation regarding the Teledyne Commodore fire be explored. Michael Parker explained that in terms of ACWA's capacity, there was no further investigation

necessary, however, from a safety and storage perspective, SBCCOM would continue to investigate the matter and report back to the Dialogue regarding this issue.

Discussion regarding a strategy for Teledyne Commodore's Technical Evaluation.

The Based on failure to adequately complete the demonstration of the Solvated Electron Technology, the Dialogue and DoD agreed that the technical evaluation be limited to scoring factors 1-16. Scoring factors 17-19 would not be included in the technical evaluation since the necessary data was not obtained in demonstration.

Engineering Design Studies

Joe Novad, ACWA Technical Team

Questions and comments regarding this presentation focused on the following:

Comments from the Citizens Advisory Technical Team. The CATT noted that they have been involved via a monitoring capacity for the Engineering Design Studies. They have participated on weekly EDS calls, attended NRC meetings regarding EDS, and visited the EDS testing sites. The CATT stated their support for the EDS effort and complimented DoD and the technology providers on the rigorous effort so far.

Defense Acquisition Executive (DAE) Review

Opening Comments, Mike Parker

DAE Presentation: Patrick Wakefield, Director, Treaties and Chemical Demilitarization, Diane Affleck, ACWA Technical Team, and John Nunn, Maryland Dialogue participant (via conference call).

Questions and comments regarding this presentation focused on the following:

Opening Comments from Mike Parker. Mike Parker opened the presentation regarding the DAE by saying that ACWA is one piece of a larger review that the government periodically conducts when looking to evaluate the merit of investing in some kind of large purchase. In this case, the DAE Review will evaluate the technology decisions for Colorado and Kentucky in addition to other issues. Parker went onto say that while he has the ability to influence the DAE process through his role in it, but only minimally given the broad scope of the DAE. Parker stated that the reason for the following presentation was two-fold: 1) to provide information regarding the DAE process; and 2) to take feedback from the Dialogue that Parker would then evaluate and choose to recommend up his chain of command, or not. Prior to the end of the meeting, he agreed to summarize the proposed items he would support.

Comments from John Nunn, Dialogue participant from Maryland. John Nunn, chair of the Maryland CAC, outlined that Maryland had been involved in a similar review process a couple of years ago. Nunn echoed support for being involved at the level that the Maryland CAC was engaged, though cautioned that there were flaws within that strategy. Nunn outlined that the Maryland CAC provided a written report for the DAE OIPT, which was making a technology decision for Maryland, and that this process was useful for the CAC. Additionally, one member of the CAC presented the CAC's unfiltered

perspective to the members of the OIPT prior to a final technology decision being made by the Army. Nunn stated that it was difficult to know, from a citizen perspective, how heavily the CAC's thoughts were weighed in this process, or what led up to the final technology decision for Maryland. Nunn asked the Army and the Office of Secretary of Defense (OSD) to think about what the potential might be for the CATT, or some small group to be involved in this process. He also asked what the potential was for the IIPT or OIPT to meet in Pueblo or Lexington in order to make the meetings more transparent for the community.

Question regarding schedule. A Dialogue participant asked what alternative technology and baseline incineration schedules would be evaluated for the purposes of the DAE and in ACWA's situation for the purposes of certification. Patrick Wakefield noted that each program has a responsibility to lay out a schedule they think is accurate and reasonable and then those schedules will be evaluated within the DAE Review.

Question regarding the comparison of alternative technologies to baseline incineration as required by Public Law 105-261. A Dialogue participant asked whether the mandate of 105-261 required alternative technologies to be compared to baseline incineration, and/or modified baseline incineration. Pat Wakefield responded that there was not a definitive answer on this yet, but that the Dialogue would know as soon as the government made a decision.

Question regarding how the EIS fits into this process. Jon Ware of the ACWA Environmental Team commented that the EIS would happen in a simultaneous fashion, and that the information from the EIS would feed into the DAE Review.

Question regarding the involvement of other sites in the DAE process. Pat Wakefield clarified that other aspects of the DAE may or may not include sites in different ways, however the issues surrounding an implementation technology decision are specific to Colorado and Kentucky.

Comments regarding the move toward a more internal DoD Review and Process for making decisions regarding a technology. A Dialogue participant voiced frustration regarding the fact that the DAE Review seemed to increasingly close what has been an open and transparent process that has welcomed input. Mike Parker responded that the process is not "changing," but rather evolving as the program reaches different milestones and that as the requirements of 104-208 are fulfilled, the needs of what DoD needs to move forward on a technology decision are evolving as well.

Clarifying question regarding the DAE Review as it relates to a Kentucky technology decision. Pat Wakefield clarified that given that Kentucky is on a different timetable than Colorado, the various IPTs will reconvene as necessary to accommodate making a decision for Kentucky, even if a decision for Colorado has already been rendered.

Request regarding all of the internal and external reports likely to be generated in this process. A Dialogue participant requested that as many documents as possible be made

available throughout this process and that this would help to decrease the real and perceived “black box” surrounding this Review.

Comments from Maureen Sullivan, Office of the Secretary of Defense. Maureen Sullivan offered that if she becomes chair of the Environmental WIPT that she would seek input from the Dialogue, from CACs, and others. She also stated that she would be amenable to have the WIPT meet in either Pueblo or Lexington for at least a portion of the meetings, if she chairs it. She urged members of the Dialogue and others to get in touch with her with any specific input.

Input regarding CATT involvement in the DAE Review. Mike Parker responded that even if he wanted to support the CATT’s involvement in the DAE, it is far too time intensive, even for the CATT which has already volunteered hours of time to the ACWA Program.

Comments regarding Cost and Schedule. A Dialogue participant commented that any information, particularly regarding cost and schedule would be considered highly suspicious and therefore the more open the DAE Review could be regarding cost and schedule, the better.

Comments regarding the scope of the DAE Review. One Dialogue participant noted that the letter from Jacques Gansler that put the DAE Review into motion specified that the DAE Review must include some minimum tasks, but that the language is written so that it was possible that the DAE could review more than is specified in the letter. Mike Parker indicated that given the already large scope of the DAE and the tight timeframe, that it was unlikely the DAE would take on additional tasks.

Comments regarding public involvement in the DAE. Several members of the Dialogue urged DoD and ACWA to continue the strong tradition of public involvement that has been the cornerstone of the ACWA Program. They urged DoD to not have site-specific decisions made by senior government officials who have not even visited with sites and the community.

Closing comments from Mike Parker regarding the DAE process. Parker stated that he had heard the following messages from the Dialogue:

- ☐ Transparency is important; the DAE should try to avoid the black box perception or reality;
- ☐ Stakeholder input should be included as appropriate;
- ☐ Build on trust developed during the Dialogue; and
- ☐ Invest in Public Involvement now--not law suits down the road.

Parker summarized the DAE recommendations and the next plans he will take for each. These actions are noted under the Action Items listed at the front of this summary.

ACWA Environmental and Acquisition Updates for Colorado and Kentucky

Jon Ware, ACWA Environmental Team

Carl Eissner, ACWA Technical Team

Jim Richmond, ACWA Technical Team

Ralph Collins, Deputy Commissioner, Natural Resources, Kentucky Department for Environmental Protection

Joan Sowinski, Federal Facilities Program Manager, Hazardous Materials and Waste Management Division, Colorado Department of Public Health and Environment

Questions and comments regarding this presentation focused on the following:

Comments from Michael Parker regarding the EIS Process. Mike Parker strongly encouraged Dialogue and community members to comment on and involve themselves in the EIS process, as this information will then be fed into the DAE process.

Comments regarding the Colorado EIS process and the Environmental WIPT. A citizen from Colorado commented that Puebloans comfort with the regulatory process is low right now given two recent local processes. Additionally he urged that the Environmental WIPTs be open and take place in Pueblo as soon as possible. He voiced frustration with the development of a public involvement plan within the WIPT that has no members of the public involved in the drafting or review of such a document. Finally there was some concern regarding the timing of the EIS process and how that would work given two EIS processes for Puebloans to consider simultaneously. DoD agreed to address this request as an Action Item.

Comments regarding the Kentucky Acquisition Update. Jim Richmond presented information on studies being performed by ACWA to determine the feasibility of using biodegradation with oxidation to adequately perform secondary treatment of nerve agent and energetics hydrolysate. This technology was not able to be validated in Demonstration I and restricted the neutralization/biodegradation technology provided by Parsons/Honeywell to just H agent processing. The feasibility studies are being performed to determine if there is potential for this technology to be used at Blue Grass. A Dialogue participant expressed concern about this being performed after the technology had not been validated in Demonstration I. The response was that this is a secondary treatment for the validated neutralization process and the work is similar to the efforts evaluated under the ACWA Broad Agency Announcement.

Comments regarding the A/B Request for Proposal (RFP) approach. One Dialogue participant expressed concern regarding having the potential for two different contractors and their potential to point fingers at each other if they were not true partners. Carl Eissner stated that every effort was being made so that if there were two different contractors, they would have joint incentives to work cooperatively.

Question regarding Certification. A technology provider asked whether there was the potential for an “outside” technology to be considered and “pass” through certification. Mike Parker responded that if there was a technology that had been through similar rigor as the ACWA technologies, then ACWA would consider it.

Future of the Dialogue Discussion

Summary of Dialogue discussion. Some Dialogue participants agreed with the ACWA Program that ACWA’s mission is evolving to a site-specific level that is involved specifically with the acquisition strategies for Colorado and Kentucky. That being said, Dialogue participants felt strongly that there are some national level issues that must be addressed somewhere within the Chemical Demilitarization Program and that ACWA has been the only amenable forum for this type of dialogue thus far. These issues might include closure, secondary waste and dunnage, impact fees, and others. Dialogue participants felt that the forum should include a diversity of perspectives and that it should be a forum for information exchange as well as real input when appropriate. Members of the ACWA Team and DoD stated that they did not disagree with the concept topics, but that these are beyond the scope of ACWA’s mission.

Use existing resources at sites. One Dialogue participant urged DoD to use existing public involvement resources such as the CAC, instead of establishing completely new information exchange and input mechanisms at sites where implementation activities will occur.

Continued use of the ACWA Exchange and Web Site. Participants urged that the Web site continued to be used in the future. Other Dialogue members voiced their discomfort with the proposed idea that the ACWA Internet site may take the place of face-to-face meetings. ACWA agreed to take those comments under consideration but cited the large expenditures for each meeting as reason for moving toward Internet-based information exchange if there are not specific topics ACWA is seeking input on. However, Pehlivanian did state that he understood the importance of maintaining transparency through regular updates and other avenues.

Future of the CATT. Some members of the Dialogue voiced support for continued involvement of the CATT in EDS, even if the Dialogue starts to scale back on activities. Pehlivanian stated that originally the CATT was designed to help monitor and independently evaluate DoD activity due to the procurement sensitive nature of that phase of the ACWA Program. Mr. Pehlivanian stated that he hoped that EDS would increasingly be opened for whomever may be interested in the data and that ACWA would work to do this. In light of this, Mr. Pehlivanian stated that he did not anticipate the contract for CATT’s Technical Consultant, SBR Technologies, continuing past Demonstration II. Mr. Pehlivanian stated that if the ACWA Program and the Dialogue had met its mission in terms of Demonstration II, then the CATT would also no longer be necessary.

Super Critical Water Oxidation (SCWO) Update

Mike Spritzer, General Atomics

Mike Spritzer said that they knew that the platinum liner was susceptible to simulant, but that they thought they could likely suppress the corrosion to the liner. As a back up, they additionally developed a titanium liner. As testing began, there was initial corrosion, but with a 20 hour feed, the effluent was clear which Spritzer indicated was a good indication that the liner is working sufficiently. In addition, as a back up, the titanium and platinum liners can be changed out in a series of hours if so desired.

Next Meeting Agenda Topics

The following topics were recommended for the January 2001 meeting scheduled.

- Finalize Supplemental Report to Congress
- Findings of Demonstration II
- EDS Update
- Acquisition Update
- DAE Update
- NRC Update
- Environmental Update
- NEPA training

Pre-Meeting Materials. In addition, one Dialogue participant recommended that as much data as possible be sent to the Dialogue in advance of the meeting so that Dialogue participants could review the findings prior to the meeting. The ACWA Technical Team stated that the information would only be finalized and incorporated into slides a few days prior to the meeting, but they would try.

The meeting is scheduled for January 25 and 26, 2001 at the Marriott's Griffin Gate Resort, Lexington, Kentucky. Logistical details can be obtained by calling Horne Engineering at 1-888-482-4312.